

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

Pedro SAMILPA, III

Case: 2:21-mj-30249
Assigned To : Unassigned
Date : 5/27/2021
CMP USA V SAMILPA,III (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 3, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

May 27, 2021

Date: _____

City and state: Detroit, Michigan



Complainant's signature

Special Agent David Weiss - ATF

Printed name and title



Judge's signature

Honorable Curtis Ivy, Jr., U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent David Weiss, first being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice, since July 2013, currently assigned to the Detroit Field Division. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment as a federal law enforcement officer, I have conducted and participated in several criminal investigations focused on illegal firearms and/or armed drug trafficking violations. Prior to my employment with ATF, I was employed by the United States Border Patrol for approximately six (6) years as a Border Patrol Agent.

2. I make this affidavit from personal knowledge based on my participation in this investigation. This information comes from my personal observations, communications with other law enforcement officers, witnesses interviewed by law enforcement, communications with others who

have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. The information outlined herein is provided for the limited purpose of establishing probable cause that Pedro SAMILPA III (DOB XX/XX/1983), has violated Title 18 United States Code, Section 922(g)(1), Felon in Possession of a Firearm, and does not contain all details or facts known to law enforcement pertaining to this investigation.

PROBABLE CAUSE

4. I am currently involved in the investigation of a subject identified as Pedro SAMILPA III (hereinafter referred to as SAMILPA) concerning SAMILPA's violation of federal firearms statutes.

5. On April 3, 2021, Detroit Police Officers Mychael Canada and Zachary Smilo while on routine patrol around Panama Street and Chopin Street observed a male fitting the description previously provided to them from dispatch that a Hispanic male wearing a multicolored shirt had threatened a male with a firearm. Officer Canada observed a weighted object in the front pocket of the jacket of the unknown Hispanic male. Officers Smilo and Canada exited their vehicles and made contact with the

unknown male later identified as Pedro SAMILPA III. Officer Canada asked SAMILPA if he had a firearm on his person SAMILPA stated that he did.

6. Officer Canada recovered a silver and black firearm Type: Pistol, Make: Taurus, Model: G2C, Caliber: 9mm, with no rounds chambered and no magazine in the firearm. SAMILPA stated he did not have a Concealed Pistol License (CPL). SAMILPA was placed under arrest for carrying a concealed pistol without a concealed pistol license. During the search incident to arrest, a pistol magazine was found in SAMILPA's front left pants pocket. The magazine contained no live rounds.

7. A review of SAMILPA's criminal history revealed the below listed felony convictions:

- Conviction: 08/23/2006, Court: 18th Circuit Court, Bay County, Case # 06-010166-FH, Felony-Breaking & Entering a Vehicle with Damage to Vehicle.
- Conviction: 10/28/2011, Court: 18th Circuit Court, Bay County, Case# 11-010633-FH, Felony-Police Officer- Fleeing, Felony-Motor Vehicle-Unlawful Driving Away, Felony- Police Officer- Assaulting/Resisting/Obstructing.

- Conviction: 01/09/2013, Court: 18th Circuit Court, Bay County, Case# 12-010078-FH, Felony- Breaking & Entering a Vehicle Steal Property.

- Conviction: 06/05/2017, Court: 3rd Circuit Court, Case# 1700393701, Felony-Domestic Violence and/or Knowingly Assaulting a Pregnant Individual-3rd Offense Notice.

8. A review of SAMILPA's criminal history also revealed numerous misdemeanor convictions, among which includes the following:

- Conviction:10/13/2003, Court: 81st District Court, Case#020757BSM, Misdemeanor Domestic Violence; Misdemeanor Civil Infraction Failure to Appear.

- Conviction: 5/3/2004, Court: 81st District Court, Case#04-0228-FY, Misdemeanor Assault and Battery.

- Conviction: 02/15/2007, Court: 74th District Court, Case# 10084FY1, Misdemeanor Aggravated Domestic Violence.

- Conviction: 08/31/2011, Court: 74th District Court, Case#1110643FY1, Misdemeanor Domestic Violence and/or Knowingly Assaulting a Pregnant Individual.

9. An Interstate Nexus determination concerning the manufacture of the above-mentioned firearm, Type: Pistol, Make: Taurus, Model: G2C, Caliber: 9mm, found that the firearm was manufactured outside the State of Michigan. Therefore, it traveled in and affected interstate commerce to reach the State of Michigan.

10. SAMILPA's felony convictions were obtained by guilty plea. I am aware that the Michigan Court Rules require a court to directly advise a defendant of the maximum possible penalty before accepting a guilty plea. Therefore, probable cause exists that SAMILPA knew, at the time he possessed the firearm, he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year.

CONCLUSION

11. Based on the above stated facts, there is probable cause to believe that on April 3, 2021, in the Eastern District of Michigan, defendant Pedro SAMILPA III, having been previously convicted of the above listed Felony offenses, all punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, that is, a Type: Pistol, Make: Taurus, Model: G2C, Caliber: 9mm, which had been previously shipped and

transported in interstate and/or foreign commerce, in violation of Title 18
United States Code, Section 922(g)(1).



Special Agent David B. Weiss
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.



HONORABLE CURTIS IVY, JR.
UNITED STATES MAGISTRATE JUDGE

Date: May 27, 2021